

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WOODS HOLE OCEANOGRAPHIC)	
INSTITUTION,)	
Plaintiff,)	
v.)	Civil Action No. 1:17-cv-12301
)	
ATS SPECIALIZED, INC., RIDGEWAY)	
INTERNATIONAL USA, INC., GUY)	
TOMBS LIMITED, AUSTRALIAN)	
NATIONAL MARITIME MUSEUM,)	
SAM BROUGHTON WRIGHT, JR.,)	
SERVICE TIRE TRUCK CENTER, INC.,)	
and TRAVELCENTERS OF AMERICA,)	
)	
Defendants.)	

**PARTIALLY ASSENTED-TO MOTION OF DEFENDANTS
ATS SPECIALIZED, INC. AND SAM BROUGHTON WRIGHT, JR.
FOR CASE MANAGEMENT CONFERENCE BEFORE MAJISTRATE JUDGE**

Pursuant to Fed. R. Civ. P. 16 and Local R. Civ. P. 16.3(c), the defendants ATS Specialized, Inc. and Sam Broughton Wright, Jr. (collectively, "ATS"), by their counsel, request the Court to schedule a case management conference before Magistrate Judge Boal.

In a September 19, 2018 Electronic Order, the Court referred the case to Magistrate Judge Boal for Reports and Recommendations about the pending motions to dismiss in this matter.

ATS requests a case management conference with Magistrate Judge Boal so that it and the other parties can discuss with her an August 23, 2018 Ruling in a related case in the United States District Court for the District of Connecticut, *Anderson Trucking Service, Inc. v. Eagle Underwriting Group, Inc., et al.*, Civil Action No. 3:17-cv-00817 (CSH). ATS has attached a copy of the Ruling as an exhibit hereto. The Ruling affects how ATS and perhaps the other parties wish to proceed in this District of Massachusetts case. For example, ATS wishes to

discuss withdrawing or re-briefing the motion to dismiss it has filed in this case. In that motion, ATS argued that this District of Massachusetts case should not proceed because a similar lawsuit was pending in the District of Connecticut, but the District of Connecticut has now dismissed that action except as against the Australian National Maritime Museum. In light of that ruling, ATS and perhaps other parties may need to withdraw or re-brief the motions to dismiss and responses filed in this court. Their doing so could assist the Court in avoiding expending time and resources in unnecessarily reviewing and ruling on the motions to dismiss in their current form.

The plaintiff, Woods Hole Oceanographic Institution, and the defendants Ridgeway International USA, Inc., Guy Tombs Limited, Service Tire Truck Center, Inc., and Travel Centers of America assent to this motion. The only other party, the defendant Australian National Maritime Museum, does not object to this motion.

September 27, 2018

Respectfully submitted,
by the defendants
ATS SPECIALIZED, INC. and
SAM BROUGHTON WRIGHT, JR.,
by their attorneys,

/s/ Andrew J. Fay
Andrew J. Fay, BBO #550058
Susan E. Bochnak, BBO #681406
Fay Law Group, LLC
One Boston Place
26th Floor
Boston, MA 02108
phone: (617) 826-6006
fax: (617) 941-7100
email: afay@faylawgrp.com

--and--

Robert D. Moseley, Jr., *pro hac vice*
Smith Moore Leatherwood LLP

2 West Washington Street, Suite 1100
Greenville, SC 29601
phone: (864) 751-7643
email: rob.moseley@smithmoorelaw.com

Certification under Local Rule 7.1

I, Andrew J. Fay, certify pursuant to Local Rule 7.1(a)(2) that I or another attorney in my office, Craig S. Harwood, have conferred by email with counsel for the plaintiff and counsel for each of the co-defendants in this case in an attempt to resolve the issue upon which this motion is based. Counsel for all of the other parties except the Australian National Maritime Museum have assented to this motion.

/s/ Andrew J. Fay
Andrew S. Fay

Certificate of Service

I certify that on this 27th day of September 2018 a copy of the foregoing was filed electronically through the court's CM/ECF system, which will send a notice of this filing by e-mail to all parties.

/s/ Susan E. Bochnak
Susan E. Bochnak